IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 436 OF 2006

1. Shri Vijayanand
   Dnyanprasarak Saunstha,
   Tikhazan, Mayem,
   Bicholim-Goa.

2. Shri Sadanand N. Chodekar,
   President, Dnyanprasarak
   Saunstha, resident of
   Tikhazan, Mayem,
   Bicholim-Goa.

3. Shri Virendra V. Patre,
   Chairman, Vijayanand
   High School, Mayem,
   Bicholim-Goa. ... Petitioners

versus

1. Director of Education,
   Government of Goa,
   having office at
   Directorate of Education,
   Panaji-Goa.

2. The State Registrar-
   cum-Head of the Notary
   Services, Government
   of Goa, Panaji-Goa. ... Respondents

Mr. M. S. Sonak, Advocate for the Petitioners.

Mr. S. S. Kantak, Advocate General with Ms. G. Bhonsule, Additional Government Advocate for the Respondents.

Mr. S. G. Dessai, Senior Advocate with Mr. S. Kalshavkar, Advocate for the Intervenor.

CORAM : R. S. MOHITE &
N. A. BRITTO, JJ.

DATE : 9TH JULY, 2007.

ORAL JUDGMENT

Rule.

2. By consent of parties rule made returnable forthwith.

3. This petition impugns an Order dated 12-9-2006, by which the Director of Education, in purported exercise of the powers under Rule 60 of the Goa School Education Rules, 1986 has appointed a Drawing and Disbursing Officer to make payment to the teachers working in the schools run by Vijayanand Dyanrasarak Saunstha. It appears from the record that there is a dispute as to who is managing the Saunstha. Apart from this dispute, it appears that the procedure prescribed by Rule 60 has not been followed.

4. The learned Advocate General makes a statement that there was no inquiry report called for. He further states that the Saunstha is not registered under the Societies Registration Act, 1860 and was therefore not entitled for being given grant-in-aid facility. He states that the withdrawal order should be with liberty to take such action under the Goa School Education Act and Rules, 1984 as thought fit and proper. With liberty to take such action, the impugned Order dated 12-9-2006 will now stand withdrawn in view of the acceptance of the statement made by the learned Advocate General.

5. In the circumstances, Writ Petition does not survive and the same is disposed off. As regards prayer clause (B), the learned Counsel for the petitioner states that the petitioner would like to file a separate petition.

6. Writ Petition is disposed off with liberty to the petitioner to file a separate petition for the relief claimed in prayer clause (B).

Rule made absolute accordingly.

R. S. MOHITE, J.

N. A. BRITTO, J.

RD